

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.421 OF 2005

In the matter of Sections 433 and
434 of the Companies Act, 1956 ;

AND

In the matter of winding-up of
First Flight Couriers Ltd.

Sify Ltd. .. Petitioner

Mr.F.S.D'vetre i/b.D.H.Law Associates for the
Petitioner.

None present for the Respondent Company.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 25TH NOVEMBER 2005

P.C.:

. This Petition has been filed against the Company known as First Flight Couriers Ltd. According to the Petitioner, certain amounts were due to it against various invoices raised on the Company. The entire dues payable by the Company to the Petitioner amounted to Rs.23,18,797/-. Company Petition No.653 of 2004 was filed by the Petitioner. However, it was withdrawn on 15th April 2005 with liberty to file a fresh Petition on the same cause of action. Accordingly, the present Petition has been filed.

2. A Summary Suit was also instituted against the Company by the Petitioner being Summary Suit No.1576 of 2004. In the Summons for Judgment No.652 of 2004, conditional leave was granted to the Company on its depositing a sum of Rs.15,00,000/- within a period of four weeks, failing which the Petitioner-Plaintiff in the Summary Suit would be entitled to a decree. It appears that the time to deposit the amount was subsequently extended.

3. Mr.D'Vitre for the Petitioner states that the amount of Rs.15,00,000/- has not been deposited by the Company in the Summary Suit. However, an Appeal has been preferred by the Company which is pending admission.

4. In my view, since there is a direction made to deposit Rs.15,00,000/-, the Company Petition would stand admitted in the event the deposit is not made within the stipulated time. However, if the Company deposits the amount of Rs.15,00,000/- as directed, the present Petition will stand disposed of.

5. Mr.D'Vitre seeks liberty to make an application for further orders in this Company Petition if so advised in view of the Appeal proceedings pending in this Court. Liberty as prayed for granted.